

Application No.: 10/791,847  
Amendment and Response dated May 16, 2008  
Office Action mailed February 19, 2008  
Attorney Docket No.: 669-159 RCE  
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**REMARKS**

Reconsideration of the application is respectfully requested.

Claims 1 and 3-21 are in the application. Through this amendment, claims 1, 3, and 21 have been amended. Applicant asserts that no new matter has been added with these amendments.

In the Official Action, the Examiner objected to claim 3 as being improperly dependent upon cancelled claim 2. Applicant has amended claim 3 to depend from claim 1.

The Examiner has also rejected claim 21 under 35 U.S.C. §102(b) as being allegedly unpatentable over German Patent No. 3215921 to Kruse (hereinafter Kruse). The Examiner asserted that “Kruse discloses a motorized conveyor roller having a rotatable roller (5) with a diameter and a hollow tube (7) having a diameter substantially the same as said rotatable roller, and co-axially disposable at one end of said roller.” The Examiner cites as support, Figures 1 to 3.

The Kruse reference relied upon is in German. Kruse appears to be directed to a roller conveyer. On page 2, par. 5 of Kruse, element 7 is referred to as a “Rotor” (line 17) and element 8 is referred to as a “stator” (line 14). From the Abstract, elements 7 and 8 in Kruse are components of an electric motor. One skilled in the art knows that a rotor is the rotating member of an electrical machine, while a stator is the stationary part in a machine in or about which a rotor revolves. Thus, the rotor (7) appears to be rotating element 5 which is attached to the roller 6, as shown in Figure 1 of Kruse. Thus, elements 5 and 7 appear as both rotatable.

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Amended claim 21 is directed to a motorized conveyor roller “having a rotatable roller tube” and “a non-rotatable hollow tube”, both tubes with “substantially the same” diameters. Thus, the present invention has non-rotating, stationary end and a rotatable roller tube with substantially the same diameter.

As discussed above, Kruse appears to disclose two co-axially disposed rotating elements, namely elements 5 and 7. Amended claim 21 provides “a **rotatable** roller tube with a diameter and a **non-rotatable** hollow tube having a diameter substantially the same as the rotatable roller tube” which are co-axially disposed. It is respectfully submitted that claim 21 is patentable over Kruse, taken alone or in combination.

The Examiner has also rejected claims 1 and 3-21 under 35 U.S.C. §102(e) as being allegedly unpatentable over U.S. Patent Application No. 2006/0151299 to Schaefer (hereinafter Schaefer). Applicant respectfully traverses.

For a reference to be considered prior art under §102(e), the invention is described in:

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The Schaefer reference is a published United States Patent Application, filed on December 16, 2005. Schaefer is a Continuation of PCT Application No. PCT/EP04/07138 filed on July 1, 2004. The Schaefer application claims priority to German Application No. 103 36 304.1, filed on July 31, 2003. However, the German

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Application filing date is not a 102(e) date, as German Application No. 103 36 304.1 is not, *inter alia*, an International Application filed under Treaty designating the United States and published in English. Thus, the earliest priority date of Schaefer for 102(e) purposes is July 4, 2004, the filing of PCT Application No. PCT/EP04/07138.

The present application was filed on March 4, 2004, four months prior to the earliest 102(e) date of the Schaefer reference. Further, the present application claims priority to Canadian Application No. 2,450,588 in the English language, filed on November 25, 2003. As the present application has an effective filing date well before the earliest 102(e) date of the Schaefer reference of July 1, 2004, Applicants respectfully submit that the Schaefer reference is not prior art under 102(e) and should be withdrawn as a basis of rejection. See, MPEP 706.02(f)(1).

The Examiner rejected claims 1, and 3-21 under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 3,056,054 to Christian (hereinafter Christian). The Examiner asserts that Christian discloses “a cylindrical rotatable roller (10, 11, 12) having at least one non-rotatable surface (31, 32) spaced axially and exteriorly from said rotational roller.” Applicant respectfully disagrees with Examiner’s characterization.

Christian is directed towards “power drive devices such as pulleys” with “sufficient heat removal”. Christian, col. 1 lines 9-10. The Christian reference discloses a pulley drum made in three parts, “end parts 10, 11 connected together to form a continuous pulley drum by an intermediate part 12”. Col 1, lines 45-51 (emphasis added). Heat exchange is accomplished by a “fan [which] draws air in through the openings 36 [on side 21 of end part 11] ... over the whole surface of the housing ... to discharge at 93 [on side 20 of end part 10], whereby a continuous [air] flow completely through the drum is achieved thereby providing highly efficient cooling and enabling the motor to be used at high rating so that a smaller motor can be used for a given output.”

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Col. 2, line 66 – Col. 3 line 2. Thus, Christian discloses a pulley drum with a continuous forced airflow from one end of the drum to the other to promote efficient cooling and motor use at a high rating. Further disclosed is “a pair of spaced apart side plates 31, 32 normally provided in belt conveyor systems” and used here as surfaces to bolt on (1) a fixing disk 61 (on surface 31) and (2) an air deflector plate 40 and terminal box 28 (on surface 32). Thus, the continuous pulley drum has air flow openings (36) and (93) along the sides and flat plates 31, 32 on each side.

While the Examiner alleges that “it would have been obvious to modify each non-rotatable surface to be a hollow tube for the purpose of providing lighter-weight mounting plates”; this, however, would interfere with the desired airflow path. That is, Christian provides air openings on the sides of the continuous pulley drum in order to efficiently cool the pulley and promote a higher motor rating. If the flat plates 31, 32 on the sides of the pulley drum were instead, as the Examiner suggested, of a non-rotatable tubular configuration and substantially the same diameter as the pulley drum, the air openings along the sides of the pulley drum would be blocked. Thus, a device as the Examiner suggested could not force air through the pulley and over the whole surface of the housing. This would result in the pulley overheating and the motor having a low value rating, problems cited in Christian. Col. 1, lines 10-15. Applicant respectfully submits that it is not obvious to make the flat plates 31, 32 into non-rotating hollow tubes as the Examiner suggested.

Further, Christian is structurally different than the present invention. The claimed hollow tubes serve a safety function on the present conveyor belt system, in stark contrast to the side plates 31, 32 which are likely portions of the frame for the pulley system of Christian. The subject invention, in contrast to Christian, has the benefit of being readily mountable to existing conveyor systems in order to easily and efficiently retrofit conventional frames with the benefits of the of the present invention. Therefore, it is

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respectfully submitted that claims 1 and 3-21 are patentable over Christian, taken alone or in combination.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicant's attorney at the number listed below.

Respectfully submitted,

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